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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

12/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ZHENG, JACKY X

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 12/04/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,792	10/27/2003	Osamu Kizaki	244412US2	1061

TITLE OF INVENTION: IMAGE FORMING APPARATUS AND METHOD OF ACQUIRING MEMORY AREA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/04/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22850 7590 12/04/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,792 10/27/2003 Osamu Kizaki 244412U/2 1061

TITLE OF INVENTION: IMAGE FORMING APPARATUS AND METHOD OF ACQUIRING MEMORY AREA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/04/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZHENG, JACKY X	2625	358-001/60

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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1940 DUKE STREET
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 994 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 994 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/692,792

Applicant(s)

KIZAKI ET AL.

Examiner

JACKY X. ZHENG

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 13, 2008.
2. ☒ The allowed claim(s) is/are 28-31, 34 and 35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

DETAILED ACTION

1. This office action is in response to applicant's supplemental response filed on November 13, 2008, indicated to be in replacement of the amendments and remarks filed on October 31, 2008.
2. **Claims 28, 31 and 34-35** have been amended.
3. **Claims 1-27, 32-33, 36 and 37** have been cancelled.
4. **Claims 28-31, 34 and 35** are currently allowed with following Examiner's Amendment.
5. The non-statutory obviousness-type double patenting rejections originally directed to claims 28, 31, 34 and 35 are withdrawn in views of Applicant's remarks and amendments to the claims.
6. The rejections under 35 U.S.C. §112, first paragraph, to claims 30, 32 and 36 are withdrawn in view of Applicant's remarks, amendments and/or cancellation to the claims.
7. The rejections under 35 U.S.C. §112, second Paragraph, to claims 28 and 37 are withdrawn in view of Applicant's remarks, amendments and/or cancellation to the claims.
8. The rejections under 35 U.S.C. §103(a) to claims 28-37 are withdrawn in view of Applicant's amendments, remarks and cancellation to the claims.

EXAMINER'S AMENDMENT

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

10. Authorization for this examiner's amendment was given in a telephone interview with Mr. Nikolaus P. Schibli, Ph.D. (Reg. No. 56,994) on November 24, 2008.

11. The application has been amended as follows:

- a. With regard to Claim 28, the claim is amended as following,

Claim 28 An image forming apparatus configured to be connected to a plurality of hardware resources by a system bus, including:

an image conversion unit configured to process image data by software with a first conversion function to convert the image data into a different format, and configured to access and to send the image data to a hardware image processing unit over the system bus that is configured to process the image data with at least one second hardware conversion function;

a resource management unit configured to determine a memory size required for one of the first conversion function or the at least one second hardware conversion function to convert the format of the image data; and

an image data management unit acquiring a memory area in a memory corresponding to a predetermined maximal memory size,

wherein the image conversion unit is further configured to access a register of the hardware image processing unit over the system bus to determine which ones of the at least one second hardware conversion functions are available for conversion of the image data, and

wherein when the image data management unit fails to acquire a memory area corresponding to the predetermined maximal memory size, the image data management

unit attempts to acquire a smaller memory area corresponding to a smaller memory size gradually reduced from the predetermined maximal memory size by gradually subtracting a memory size without reducing the smaller memory area below the required memory size for one of the first conversion function or the at least one second hardware conversion function.

b. With regard to Claim 34, the claim is amended as following,

Claim 34 A method of acquiring a memory area for an image forming apparatus configured to be connected to a plurality of hardware resources by a system bus, at least one of the hardware resources being a hardware image processing unit having at least one second hardware conversion function configured to convert a format of image data, the method comprising:

accessing the hardware image processing unit over the system bus by an image data conversion unit to read a register of the hardware image processing unit, the register including information determining which ones of the at least one second hardware conversion functions are available for conversion of the image data;

determining a memory size required for the at least one second hardware conversion function to convert the format of the image data; and

acquiring a memory area in a memory corresponding to a predetermined maximal memory size,

wherein when said acquiring fails to acquire a memory area corresponding to the predetermined maximal memory size, the acquiring further attempts to acquire a smaller

memory area corresponding to a smaller memory size gradually reduced from the predetermined maximal memory size by gradually subtracting a memory size without reducing the smaller memory area below the required memory size for the at least one second hardware conversion function determined in said determining a memory size.

REASONS FOR ALLOWANCE

12. The following is an examiner's statement of reasons for allowance:

The instant invention is generally relates to memory acquisition for conversion of image data, and more particularly to an image forming apparatus and method of acquiring a memory area.

With regard to Claim 28, the closest prior arts of record, Mitani (U.S. Patent No. 6,052,200), and Shimizu (U.S. Patent No. 6,490,055), do not disclose or suggest, among the other limitations, the additional required limitation of “*wherein when the image data management unit fails to acquire a memory area corresponding to the predetermined maximal memory size, the image data management unit attempts to acquire a smaller memory area corresponding to a smaller memory size gradually reduced from the predetermined maximal memory size by gradually subtracting a memory size without reducing the smaller memory area below the required memory size for one of the first conversion function or the at least one second hardware conversion function*”. These additional features in combination with all the other features required in the claimed invention are neither taught nor suggested by Mitani and Shimizu.

With regard to Claims 29-31, the claims are depending from the independent Claim 28, each encompasses the required limitations recited in the independent claim discussed above.

With regard to Claim 34, the closest prior arts of record, Mitani (U.S. Patent No. 6,052,200), and Shimizu (U.S. Patent No. 6,490,055), do not disclose or suggest, among the other limitations, do not disclose or suggest, among the other limitations, the additional required limitation of “*wherein when said acquiring fails to acquire a memory area corresponding to the predetermined maximal memory size, the acquiring further attempts to acquire a smaller memory area corresponding to a smaller memory size gradually reduced from the predetermined maximal memory size by gradually subtracting a memory size without reducing the smaller memory area below the required memory size for the at least one second hardware conversion function determined in said determining a memory size*”. These additional features in combination with all the other features required in the claimed invention are neither taught nor suggested by Mitani and Shimizu.

With regard to Claim 35, the claims are depending from the independent Claim 34, each encompasses the required limitations recited in the independent claim discussed above.

13. Therefore, Claims No. 28-31, 34 and 35 are allowed.

14. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 8:30 a.m. - 5 p.m., Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacky X. Zheng/

Examiner, Art Unit: 2625

November 24, 2008

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625